IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2514 OF 2005

Sidharth @ Sidheshwar Chanbasappa
Bagale & Anr. ...Applicants

Versus

State of Maharashtra ...Respondent

.....

Mr.P.R.Arjunwadkar for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 3, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. After hearing the Counsel for some time, and when I indicated my mind, Mr.Arjunwadkar for Applicants fairly accepted that as investigation is not complete and charge-sheet is not filed, prayer for bail at the instance of Applicant No.1 will not

be pressed, so that, the said Applicant can take recourse to fresh Bail Application, after filing of the charge-sheet, as may be advised, which in turn, will be considered on its own merits.

3. Accordingly, Application insofar as Applicant No.1 Siddharth @ Sidheshwar Chanbasappa Bagale is concerned, the same is dismissed as withdrawn, with liberty as prayed.

4. Insofar as Applicant No.2 Nagesh Dhondappa Bagale is concerned, it is stated that he has allegedly assaulted the victim with fists and kick blows. The incident in question took place on the spur of the moment. The Applicant No.1 Siddharth @ Sidheshwar Chanbasappa Bagale overreacted to the situation by giving blow with wooden lob, which was lying on the spot.

5. In this view of the matter, for the purpose of bail, prima facie case is made out by the Applicant No.2 Nagesh Dhondappa Bagale. Besides, Applicant No.2 is of tender age (21 years). Accordingly, Application succeeds only

with regard to Applicant No.2 Nagesh Dhondappa Bagale on the following terms:

(a) The Applicant No.2 Nagesh Dhondappa Bagale is directed to be released on bail in connection with C.R.No.I-14 of 2005 registered with Mangalwedha Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two local sureties in the like amount.

(b) The Applicant No.2 shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant No.2 shall report to the Investigating Officer, once in a week on Saturday between 10.00 a.m. to 2.00 p.m. till the filing of the charge-sheet.

(d) The Applicant No.2 shall not leave jurisdiction of Mangalwedha Police Station, without prior intimation to the Investigating Officer.

(e) Both the Applicants shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicants are, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which will be reckoned as and when occasion arises.

6. Application disposed of accordingly.

A.M.KHANWILKAR, J.